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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Marc R. Amling, <i>et al.</i>
Serial No. 10/034,271	Filing Date: December 28, 2001
Title of Application:	Unified Electrical And Illumination Cable For Endoscopic Video Imaging System
Confirmation No. 9459	Art Unit: 3739
Examiner	John P. Leubecker

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Withdraw Holding of  
Abandonment Pursuant to 37 CFR 1.181(a)**

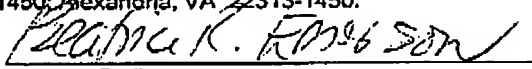
Dear Sir:

On September 30, 2004, a Notice of Abandonment was mailed in the above-captioned case (copy attached as Exhibit A) due to "Applicant's failure to timely file corrected drawings".

Applicants, through their duly appointed Attorneys, hereby petition the Commissioner to withdraw this holding of abandonment on grounds that a proper reply to the Notice of Allowability mailed on July 26, 2004 was in fact timely deposited in the U.S. Patent and Trademark Office.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Post Office Box 1450, Alexandria, VA 22313-1450.

October 14, 2004

  
Beatrice R. Emerson

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The Notice of Allowability of May 20, 2004, set a shortened statutory period for reply three months from the date of the letter. As such, a reply would be timely filed on or before August 20, 2004. Applicants contend that a proper reply was timely filed on July 26, 2004 (see copy of documents as mailed attached hereto as Exhibit B). As the corrected drawings were filed on July 26, 2004 it did not appear unusual to applicant that a stamped postcard had not yet been received back from the US Patent and Trademark Office by August 21, 2004, which was the abandonment date. Applicant points out that the Reply includes a Certificate of Mailing pursuant to 37 CFR 1.8.

According to 37 CFR 1.8(b):

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

With respect to element (1) above, Applicants became aware that the Office has no evidence of receipt of the correspondence on October 6, 2004, upon receipt of the above-mentioned Notice of Abandonment. Applicants promptly filed the present Petition.

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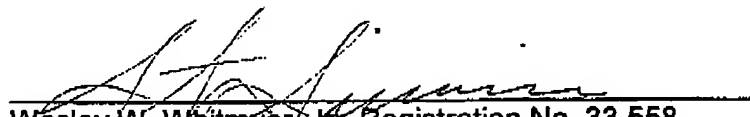
With respect to element (2) above, Applicants have attached an additional copy of the previously mailed correspondence hereto as Exhibit B.

With respect to element (3) above, the below-signing attorney, who was the attorney signing the missing documents, attests on a personal knowledge basis that the missing documents were filed on July 26, 2004. Applicants note that an itemized self-addressed and postage-prepaid postcard was also included with the missing documents (copy attached at Exhibit B) as is standard practice of the undersigning attorney, but that a copy stamped by the Office cannot be located in the file, and is therefore presumed to have not been received from the Office.

In light of the above, Applicants respectfully request that the holding of abandonment be withdrawn and that the Response to Official Action be considered by the Examiner.

Applicants believe that no fee is due in connection with this Petition. However, if any fee is due, please charge to Deposit Account No. 19-4516.

Respectfully submitted,



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